



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Special Exception

Robert and Gail Hughes/Map 217, Lot 1

March 17, 2010

Applicant: Robert and Gail Hughes
39 Steele Lane
Boxborough, MA 01719

Location: 225 Eagle Shore Road, Moultonborough, NH (Tax Map 217, Lot 1)

On February 17, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Robert and Gail Hughes (hereinafter referred to as the “Applicant” and/or “Owner”) for an application for Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Agricultural Residential (AR) Zoning District at 225 Eagle Shore Road.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 225 Eagle Shore Drive (Tax Map 217, Lot 1)
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Agricultural Residential (AR) Zoning District.
- 4) One (1) abutter chose to speak in favor of the application during the Public Hearing.
- 5) No other members of the public wished to speak during the Public Hearing.
- 6) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the side setback as a pre-existing, nonconforming primary structure.
- 7) The applicants are proposing to remove a portion of the existing structure and rebuild a new portion of the primary structure within the twenty (20) foot side setback on the lot.
- 8) At the first ZBA meeting, when the Public Hearing was opened, the applicant agreed to proceed with only three (3) members of the ZBA present and able to vote on the application.
- 9) Nicole Roseberry, ZBA Alternate, recused herself due to a conflict of interest.

- 10) A Site Visit was conducted on February 22, 2010.
- 11) At the second ZBA meeting on March 3, 2010, there were five (5) members of the ZBA presiding over the application. Nicole Roseberry again recused herself due to a conflict of interest.
- 12) The footprint of that portion of the new structure extending into the side setback will be approximately 591 sq.ft., with approx. 420 sq.ft. outside of the existing footprint.
- 13) The proposed new structure will not encroach further into the side setback than the original structure.
- 14) That portion of the original structure extending into the lakefront setback of 50 feet will be removed and the new structure will not encroach closer to the lake than the 50 foot setback.
- 15) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 16) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 17) The proposed expansion will not cause property values to deteriorate.
- 18) The proposed expansion will not impede the existing rights of access or egress.
- 19) The new portion of the proposed expansion which will intrude into the side setback will not exceed the sq.ft. amount of intrusion that is present in the existing structure.
- 20) The non-conforming primary structure is not a commercial use.
- 21) The requested Special Exception is to the side setback.
- 22) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 23) The application meets all of the requirements for a Special Exception under Article VII B(3).

The Board of Adjustment continued the Public Hearing to March 3, 2010 and scheduled a Site Walk for February 22, 2010. The Board of Adjustment closed the public portion of the hearing on March 17, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of three (3) in favor (Stephens, Hopkins, McCarthy), none (0) opposed, and two (2) abstentions (Nolin, Roseberry), to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert Stephens
Chairman, Zoning Board of Adjustment

Date _____